IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 6347 of 2006(E)

PETITIONER:

K.NEELAKANDAN, S/O.VASUDEVAN NAMBEESAN,
AGED 41 YEARS, KUTTIPPURATH HOUSE,
PIDAVANOOR POST, MOOKKUTHALA, MALAPPURAM.

BY ADV. SRI.M.RAMESH CHANDER.

RESPONDENTS:
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1. **STATE OF KERALA,**
   REP. BY PRINCIPAL SECRETARY TO GOVERNMENT,
   DEVASWOM, TRIVANDRUM.

2. **COMMISSIONER,**
   HR & CE, KOZHIKODE.

3. **ASSISTANT COMMISSIONER,**
   HR & CE DEPARTMENT, MALAPPURAM
   AT TIRUR.

BY GOVERNMENT PLEADER SMT. SUDHADEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.6347/2006-E:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER APPROVING THE APPOINTMENT OF THE PETITIONER AS KAZHAKAM FROM 07/10/2002.

EXT.P.2: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P.(C).16710/2004 DT. 07/03/2005.

EXT.P.3: COPY OF THE REPRESENTATION WITHOUT THE ANNEXURES FILED BY THE PETITIONER ALONG WITH THE TWO OTHER EMPLOYEES DTD. 18/03/05.

EXT.P.4: COPY OF THE COMMUNICATION DT. 07/07/2005.

EXT.P.5: NIL.

EXT.P.6: COPY OF THE ORDER NO. H.R.J3-3384/2004 DTD. 22/11/2006 ISSUED BY R.2.

EXT.P.7: COPY OF THE COMMUNICATION ISSUED BY GOVT. DTD. 22/02/2007.

//TRUE COPY//

prv.

V.GIRI, J.

W.P.(C).No.6347 of 2006 E

Dated this the 10th day of December, 2007.

JUDGMENT

Petitioner was originally appointed in the Sree Kannenkad Devaswom. In a civil suit, the court found that the said temple is a private temple. The finding was affirmed by a Division Bench of this court. The petitioner and some other persons were appointed in the temple on the premise that it is a public temple. But later, their services were terminated. They approached this court in W.P.(C)No.16710/04. The said writ petition was dismissed holding that the 3rd respondent cannot be compelled to retain the petitioners. It was found that the petitioners were not entitled to continue. But nevertheless, the District Collector and Assistant Commissioner were asked to consider the posting of the petitioner in any other

Devaswom in view of the fact that they have performed services in the Sree Kannenkad Devaswom. Petitioner made a claim in this regard before the Commissioner and ultimately after an enquiry by Ext.P6 order the petitioner was appointed in the Venniyoor temple in the post of Kazhakam.

2. According to the petitioner, the said posting is in a D grade temple. There are other posts suitable. He, therefore, approached the Government aspiring for a posting in B Grade Temple. Apparently he has moved the Government as evidenced by Ext.P7.

3. After having heard the learned counsel for the petitioner and the learned Government Pleader, the writ petition is disposed of directing the 1st respondent consider the petitioner's claim made before the Government as evidenced by Ext.P7 and

take appropriate decision within four months from the date of receipt of a copy of this judgment. I make it clear that I have not expressed any opinion on the merits of the claim made by the petitioner. The petitioner may file an additional representation along with the certified copy of this judgment.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//